



# RE-OCCUPANCY

## General Information

A Re-Occupancy Permit (RO) is required when a business moves into an existing tenant space and the general use does not change. Zoning permits are not transferrable from one applicant to another without City approval.

An RO is not required if:

- An existing tenant expands or relocates to the immediate adjoining space or the same floor within the same building. A letter of notification to the Department of Community Development accompanied with a floor plan showing the proposed expansion is required.
- The name of the business changes. A letter of notification to the Department of Community Development is required. However, if the result in the name change causes the plan of operation to change or expand, then an Administrative Use Approval application is required, along with the submittal of a detailed plan of operation.

The use approval process is authorized by City of New Berlin Municipal Code §275-24, which states that: No principal or accessory use, development, structure, or sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, structurally altered, occupied, or reoccupied; no site or premises shall be altered, used, changed, modified, or occupied; and no grading undertaken, until after the owner has applied for and the Department of Community Development staff and/or the Plan Commission has reviewed and approved an application for a zoning permit, based on compliance with the use, site plan, and architectural review standards set forth below. The Zoning Code in effect on the date of application shall apply.

The Administrative Permit process is authorized pursuant to the provisions of Section 275-17(B)(9) of the City of New Berlin Zoning Ordinance.

## Fees

Application Fee and Filing Fee (non-refundable). Please make check payable to the City of New Berlin.

Application	Fee	Re-Occupancy Inspection Fee (if applicable)	Filing Fee
Retail / Commercial / Office / Institutional	\$200	\$255	\$50
Industrial / PUD	\$350	\$255	\$50

## Procedure

Staff shall only review completed applications submitted with all required materials & information and shall only approve plans that meet all the requirements set forth in the Zoning Ordinance.

1. **Pre-application conference (optional):** The purpose of the pre-application conference is to provide an opportunity for the applicant and staff to discuss the review process schedule, submittal requirements, the scope of the project, and compliance with the Zoning Ordinance. Staff opinions presented during pre-application meetings are informational only

and do not represent a commitment on behalf of the City regarding the acceptability of the development proposal.

2. **Application and determination of completeness:** An application will be considered complete if it is submitted in the required number and form, includes all mandatory information, and is accompanied by the applicable fee. If an application is determined to be complete, the application shall be processed. If an application is determined to be incomplete, the Department of Community Development shall reject the application specifying the deficiencies.
3. **Staff review and Zoning Permit issuance:** Once a submitted application is certified as complete, the Department of Community Development shall refer the application to the appropriate review agencies or City departments (Engineering, Inspection, and Planning) to review. Applicant shall schedule an inspection with the Building Inspection Department upon submitting the application. An occupancy inspection is required to receive Certificate of Occupancy. A zoning permit will not be issued until the applicant has passed the occupancy inspection and addressed any outstanding issues noted during the inspection.
4. **Plan Commission action:** Applicants may appeal reasons for denial or condition of approval of Zoning Permits issued by the Department of Community Development before the Plan Commission at the meeting date written on the application. The request for the appeal must be made in writing to the Director of Community Development. The Plan Commission may approve, approve with conditions, defer, table, deny with reason, refer to committee, or remove any applications from the agenda.

**Disclaimer:** If circumstances or concerns arise during further review by Code Compliance, Engineering, Fire and Inspection or Planning, applicant shall understand staff reserves the right to put a hold on the permit.

# ***Application Check List***

## **§275-24B Development Application**

- ☐ Completed Application
- ☐ Electronic files of entire submittal

## **§275-20C Fees**

- ☐ Paid Fees
- ☐ Schedule Inspection Date

## **§275-24C(2) Plan of Operation**

- ☐ A letter or report describing the project (1 copy required).
  - The proposed use of the land, building and/or structures.
  - Activities to occur both inside and outside all principal and accessory buildings.
  - The frequency and duration of all activities, including the season, days, and hours of operation.
  - The total number of employees and number of employees in largest shift.
  - The estimated number of tenants.
  - The number, size and type of all vehicles associated with the use.
  - Number of vehicle trips or Traffic Impact Analysis if required by §275-58C.
  - The expected date of business commencement.
  - The proposed phasing of the project, if appropriate.

## **§275-24C(3) Site Plans**

- ☐ Site Plan drawn to a scale no greater than 1"=100' (1 copy required).
  - Property boundaries and dimensions.
  - Existing buildings and structures.
  - Neighboring uses labeled.
  - Zoning setbacks labeled.
  - Parking areas, on-site/adjacent access drives and driveway locations for ingress & egress
  - Loading and unloading areas.
  - Pedestrian access.
  - Traffic generation and circulation.
  - Outside storage (dumpsters, inventory, trucks, rec. vehicles, etc).

## **§275-24C(4) Architectural Plans**

- ☐ Floor Plans at a scale no smaller than 1/8" = 1' (1 copy required).
- ☐ Building Elevation can be in the form of a photograph (digital) (1 copy required).

## **§275-21B Incomplete Applications**

- All of the information listed is required for a complete application.
- Staff may request additional or more detailed information to be provided for adequate review.
- If the required information is not included with the application, Staff will reject the application specifying the deficiencies.

## **§275-21C(2) Plan Revisions**

- Based on comments from staff during the review process, the applicant may submit revised plans.
- The required number of copies shall be submitted for all revised plans.